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CHARLES ELMORE

No. 77

In the Supreme Court of the United States

OCTOBER TERM, 1929

RAY LYMAN WILBUR, SECRETARY OF THE INTERIOR, PETITIONER

v.

UNITED STATES OF AMERICA EX REL. MARY I. KADRIE, EVELINA KADRIE, AMIT K. KADRIE, ET AL., ETC.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

MEMORANDUM OF ADDITIONAL AUTHORITIES ON BEHALF OF PETITIONER

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This memorandum is filed upon the suggestion of the Court for the purpose of presenting to the Court certain citations and authorities not contained in the Government's brief in chief.

I

On the question of the attitude of Congress with respect to the Chippewa Indians in Minnesota, see:

38 Stat. 88, 592.
39 Stat. 135, 979.
40 Stat. 572.

41 Stat. 14, 419.
42 Stat. 221.
43 Stat. 798.
Johnson v. *Gearlds*, 234 U. S. 422.

As to the effect of executive determination of the existence of the Tribe, see *United States* v. *Holliday*, 3 Wall. 407, 418.

II

As to the contention of respondent that only Indians in being at the time of the passage of the Act of January 14, 1889, were entitled to allotments, which was apparently the basis for the interpretation advanced by the Court of Appeals of the District of Columbia with respect to the case of *United States* v. *Oakes*, see:

Fairbanks v. *United States*, 223 U. S. 215.
Woodbury v. *United States*, 170 Fed. 302.

III

As to the legal effect to be given the census rolls provided for in Section 1 of the Act of January 14, 1889, see *United States* v. *La Roque*, 239 U. S. 62.

IV

As to the question of the right of an executive head to overrule prior executive action, see:

West v. *Standard Oil Company*, 278 U. S. 200.
Greenameyer v. *Coate*, 212 U. S. 434.
Potter v. *Hall*, 189 U. S. 292.
Beley v. *Naphtaly*, 169 U. S. 353, 364.

Knight v. *U. S. Land Association*, 142 U. S. 161, 178, 181, 182.

Pearson v. *Williams*, 202 U. S. 281.

United States ex rel. Lowe v. *Ballinger*, 35 App. D. C. 524.

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